

CLOSED

**U.S. District Court
Northern District of Texas (Dallas)
CRIMINAL DOCKET FOR CASE #: 3:22-mj-00902-BN All Defendants**

Case title: USA v. Elsholz

Date Filed: 09/22/2022

Other court case number: 4:22-cr-00224-ALM Eastern
District of Texas, Sherman Division

Date Terminated: 09/23/2022

Assigned to: Magistrate Judge
David L. Horan

Defendant (1)

Ryan Austin Elsholz
TERMINATED: 09/23/2022

represented by **Federal Public Defender**
Federal Public Defender – Dallas
525 Griffin St
Suite 629
Dallas, TX 75202
214-767-2746
Fax: 214-767-2886
Email: jason_hawkins@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Federal Public Defender Appointment
Bar Status: Admitted/In Good Standing

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints

Disposition

Rule 5 Arrest –18 USC §
2252A(a)(2)(A) and (b)(1)
Distribution of Child Pornography

Plaintiff**USA**represented by **Douglas Burton Brasher–DOJ**

United States Attorney's Office

NDTX, Dallas Division

1100 Commerce Street, Third Floor

Dallas, TX 75242–1699

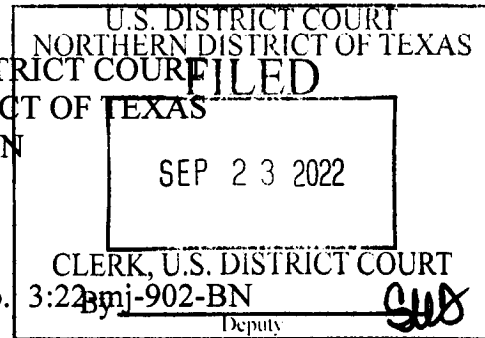
214–659–8604

Email: douglas.brasher@usdoj.gov**LEAD ATTORNEY****ATTORNEY TO BE NOTICED***Designation: US Attorney's Office**Bar Status: Admitted/In Good Standing*

Date Filed	#	Page	Docket Text
09/22/2022	<u>1</u>		Rule 5 Arrest as to Ryan Austin Elsholz (1). In each Notice of Electronic Filing, the judge assignment is indicated, and a link to the <u>Judges Copy Requirements</u> and <u>Judge Specific Requirements</u> is provided. The court reminds the filer that any required copy of this and future documents must be delivered to the judge, in the manner prescribed, within three business days of filing. (mcrd) (Entered: 09/22/2022)
09/23/2022	<u>2</u>		MOTION for Detention and to Continue filed by USA as to Ryan Austin Elsholz. Attorney Douglas Burton Brasher–DOJ added to party USA (pty:pla) (mcrd) (Entered: 09/23/2022)
09/23/2022	<u>3</u>		Minute Entry for proceedings held before Magistrate Judge David L. Horan: Initial Appearance as to Ryan Austin Elsholz held on 9/23/2022. Date of Arrest: 9/23/2022. Defendant appeared and requested appointed with counsel. Financial Affidavit executed. Order Appointing Federal Public Defender. Defendant waived ID and elected to have his hearings in the Charging District. Defendant Ordered removed to the Charging District. The judge issued the oral order required by Fed. R. Crim. P. 5(f)(1). Written order to follow. Attorney Appearances: AUSA – Doug Brasher; Defense – Juan Rodriguez. (No exhibits) Time in Court – :06. (Court Reporter: Digital File) (Interpreter N/A.) (mcrd) (mcrd). (Entered: 09/23/2022)
09/23/2022	<u>4</u>		(Document Restricted) CJA 23 Financial Affidavit by Ryan Austin Elsholz. (mcrd) (Entered: 09/26/2022)
09/23/2022	<u>5</u>		ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Ryan Austin Elsholz. Federal Public Defender for Ryan Austin Elsholz appointed. (Ordered by Magistrate Judge David L. Horan on 9/26/2022) (mcrd) Modified on 9/23/2022 (mcrd). (Entered: 09/26/2022)
09/23/2022	<u>6</u>		WAIVER of Rule 5 Hearings by Ryan Austin Elsholz. (mcrd) (Main Document 6 replaced on 9/26/2022) (mcrd). (Entered: 09/26/2022)
09/23/2022	<u>7</u>		ELECTRONIC ORDER As to Ryan Austin Elsholz: by this order — issued to the prosecution and defense counsel — the court confirms the disclosure obligation of the prosecutor under <i>Brady v. Maryland</i> , 373 U.S. 83 (1963), and

		<p>its progeny, and the possible consequences of violating such order under applicable law.</p> <p>This written order is entered pursuant to Rule 5(f)(1) of the Federal Rules of Criminal Procedure, and is in addition to the oral order entered by the court on the first scheduled court date when both the prosecutor and defense counsel were present. (Ordered by Magistrate Judge David L. Horan on 9/23/2022) (mcrd) (Entered: 09/26/2022)</p>
09/23/2022	<u>8</u>	<p>Report of Proceedings under Rule 5(c)(3) and 5.1 as to Ryan Austin Elsholz. Defendant is removed forthwith to the district in which he is charged. Paperwork sent to Eastern District of Texas, Sherman Division. (Ordered by Magistrate Judge David L. Horan on 9/23/2022) (mcrd) (Entered: 09/26/2022)</p>
09/23/2022	9	<p>***<i>MJSTAR ENTRY ONLY</i>***ELECTRONIC ORDER granting <u>2</u> Motion for Detention as to Ryan Austin Elsholz (1); finding as moot <u>2</u> Motion to Continue as to Ryan Austin Elsholz (1) (Ordered by Magistrate Judge David L. Horan on 9/23/2022) (mcrd) (Entered: 09/26/2022)</p>

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



UNITED STATES OF AMERICA

v.

RYAN AUSTIN ELSHOLZ

No. 3:22-crj-902-BN
By Deputy

MOTION FOR DETENTION AND TO CONTINUE

The United States moves for pretrial detention of defendant, **Ryan Austin**

Elsholz, pursuant to 18 U.S.C. §3142(e) and (f).

1. Eligibility of Case. This case is eligible for a detention order because the case involves (check all that apply):

- ☒ X Crime of violence (18 U.S.C. §3156);
- ☐ Maximum sentence life imprisonment or death
- ☐ 10 + year drug offense
- ☐ Felony, with two prior convictions in above categories
- ☒ X Serious risk defendant will flee
- ☐ Serious risk obstruction of justice
- ☒ X Felony involving a minor victim
- ☐ Felony involving a firearm, destructive device, or any other dangerous weapon
- ☐ Felony involving a failure to register (18 U.S.C. § 2250)

2. Reason for Detention. The Court should detain defendant because there are no conditions of release that will reasonably assure (check one or both):

- ☒ X Defendant's appearance as required
- ☒ X Safety of any other person and the community

3. Rebuttable Presumption. The United States invokes the rebuttable presumption against defendant.

4. Time for Detention Hearing. The United States requests the Court conduct the detention hearing,

_____ At first appearance

X After continuance of 3 days (not more than 3).

DATED this 23rd day of September, 2022.

Respectfully submitted,

CHAD E. MEACHAM
UNITED STATES ATTORNEY

/s/ Douglas B. Brasher
DOUGLAS B. BRASHER
Assistant United States Attorney
Texas State Bar No. 24077601
1100 Commerce Street, Third Floor
Dallas, Texas 75242-1699
Telephone: 214-659-8604
Facsimile: 214-659-8802
douglas.brasher@usdoj.gov

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JUDGE: DAVID L. HORAN	
DEPUTY CLERK: Shakira Todd	COURT REPORTER/TAPE NO: FTR
LAW CLERK:	USPO/PTSO:
INTERPRETER:	COURT TIME: 10:42-10:48
10:00 A.M.	P.M.
DATE: September 23, 2022	

☒ MAG. NO. ☐ DIST. CR. NO. 3:22-mj-00902-BN *SEALED* US Magistrate Judge David L. Horan

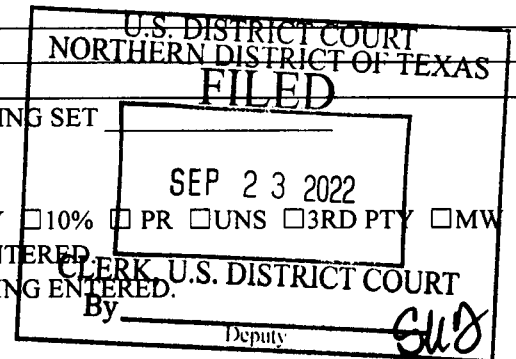
UNITED STATES OF AMERICA § Doug Brasher, AUSA

v. §

RYAN AUSTIN ELSHOLZ (1) § Juan Rodriguez (F) ☐

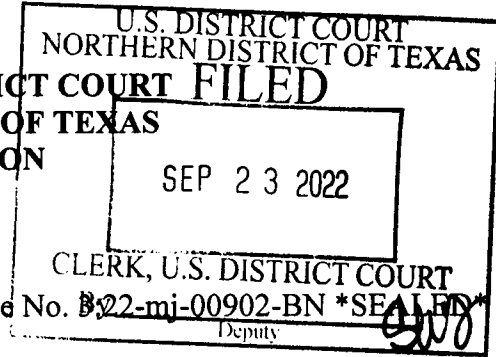
COUNSEL FOR DEFENDANTS APPT - (A), Retd - (R), FPD - (F)

- ☒ INITIAL APPEARANCE ☐ IDENTITY ☐ BOND HEARING ☐ PRELIMINARY HEARING
- ☐ DETENTION HEARING ☐ COUNSEL DETERMINATION HEARING ☐ REMOVAL HEARING ☐ EXTRADITION HEARING
- ☐ HEARING CONTINUED ON _____ CASE NO. _____ ☐ OTHER DISTRICT ☐ DIVISION
- ☐ DATE OF FEDERAL ARREST/CUSTODY: _____ ☒ SURRENDER 9/23/2022
- ☒ RULE 5/32 ☐ APPEARED ON WRIT
- ☒ DEFT FIRST APPEARANCE. DEFT ADVISED OF RIGHTS/CHARGES ☐ PROBATION/SUPERVISED RELEASE VIOLATOR
- ☒ DEFT FIRST APPEARANCE WITH COUNSEL.
- ☐ DEFT ☐ MW (MATERIAL WITNESS) _____ APPEARED ☐ WITH ☐ WITHOUT COUNSEL
- ☒ REQUESTS APPOINTED COUNSEL.
- ☒ FINANCIAL AFFIDAVIT EXECUTED.
- ☒ ORDER APPOINTING FEDERAL PUBLIC DEFENDER.
- ☐ PRIVATE COUNSEL APPOINTED _____
- ☐ DEFT HAS RETAINED COUNSEL _____
- ☐ ARRAIGNMENT SET ☐ DETENTION HEARING SET _____
- ☐ PRELIMINARY HEARING SET _____ ☐ BOND HEARING SET _____
- ☐ COUNSEL DETERMINATION HEARING SET _____
- ☐ IDENTITY/REMOVAL HEARING SET _____
- ☐ BOND ☐ SET ☐ REDUCED TO \$ _____ ☐ CASH ☐ SURETY ☐ 10% ☐ PR ☐ UNS ☐ 3RD PTY ☐ MW
- ☐ NO BOND SET AT THIS TIME, _____ DAY DETENTION ORDER TO BE ENTERED.
- ☐ ORDER OF TEMPORARY DETENTION/COMMITMENT PENDING HEARING ENTERED.
- ☒ ORDER OF DETENTION PENDING TRIAL ENTERED.
- ☐ DEFT ADVISED OF CONDITIONS OF RELEASE.
- ☐ BOND EXECUTED ☐ DEFT ☐ MW RELEASED ☐ STATE AUTHORITIES ☐ INS
- ☒ DEFT ☐ MW REMANDED TO CUSTODY.
- ☒ DEFT ORDERED REMOVED TO ORIGINATING DISTRICT.
- ☒ WAIVER OF ☐ PRELIMINARY HEARING ☒ RULE 5/32 HEARING ☐ DETENTION HEARING
- ☒ COURT FINDS PROBABLE CAUSE ☒ ID ☐ PC.
- ☐ DEFT FAILED TO APPEAR. ORAL ORDER FOR ISSUANCE OF BENCH WARRANT.
- ☐ GOVERNMENT TO NOTIFY FOREIGN CONSULAR.
- ☒ FED. R. CRIM. P. 5(f)(1) ORAL ORDER ISSUED. WRITTEN ORDER TO FOLLOW.



☐ REMARKS: _____

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



UNITED STATES OF AMERICA

v.

RYAN AUSTIN ELSHOLZ (1)

§
§
§
§
§

CLERK, U.S. DISTRICT COURT
Case No. 22-mj-00902-BN *SEALED*
Deputy

ORDER APPOINTING FEDERAL PUBLIC DEFENDER

The Court, having considered the Financial Affidavit of the Defendant, the court finds that the Defendant is financially unable to obtain counsel, and

IT IS, THEREFORE, ORDERED pursuant to Title 18, United States Code, Section 3006A, that the Federal Public Defender for the Northern District of Texas is appointed as counsel of record for the above named Defendant. Such appointment shall be for all proceedings, including any appeal.

SIGNED this

23rd day of September 2022



DAVID L. HORAN
UNITED STATES MAGISTRATE JUDGE

AO 466A (Rev. 12/09) Waiver of Rule 5 & 5.1 Hearings (Complaint or Indictment)

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
SEP 23 2022**

UNITED STATES OF AMERICA

v.

RYAN AUSTIN ELSHOLZ (1)

§
§
§
§
§Case No. 3:22-mj-00902-BN *SEALED*
CLERK, U.S. DISTRICT COURT

By _____ Deputy

Charging District's Case No. 4:22-cr-00224-ALM

**WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)**

I understand that I have been charged in another district, the Eastern District of Texas, Sherman Division.

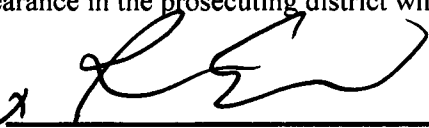
I have been informed of the charges and of my rights to:

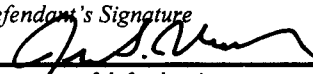
- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

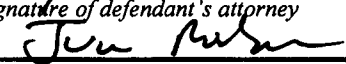
I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☒ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 23 day of September, 2022

 Defendant's Signature


 Signature of defendant's attorney


 Printed name of defendant's attorney

MIME-Version:1.0
From:ecf_txnd@txnd.uscourts.gov
To:Courtmail@localhost.localdomain
Bcc:
--Case Participants: Douglas Burton Brasher-DOJ (caseview.ecf@usdoj.gov, douglas.brasher@usdoj.gov, lauren.wright@usdoj.gov, nicole.leblanc@usdoj.gov, riley.smith@usdoj.gov, selase.buatsi@usdoj.gov, usatxn.central.docketing@usdoj.gov), Federal Public Defender (annette_hill@fd.org, charnese_toro@fd.org, cristal_a_ramos@fd.org, jason_hawkins@fd.org, joel_page@fd.org, maribel_diaz@fd.org, mary_moore@fd.org, monaleeza_montalvo@fd.org), Magistrate Judge David L. Horan (judge_horan@txnd.uscourts.gov, kayi_okine@txnd.uscourts.gov, shakira_todd@txnd.uscourts.gov, tim_morrison@txnd.uscourts.gov, tomi_repass@txnd.uscourts.gov)
--Non Case Participants:
--No Notice Sent:

Message-Id:14285822@txnd.uscourts.gov
Subject:Activity in Case 3:22-mj-00902-BN USA v. Elsholz Rule 5(f)(1) Order
Content-Type: text/html

If you need to know whether you must send the presiding judge a paper copy of a document that you have docketed in this case, click here: Judges' Copy Requirements. Click here to see Judge Specific Requirements. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms and Instructions found at www.txnd.uscourts.gov. If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge.

U.S. District Court

Northern District of Texas

Notice of Electronic Filing

The following transaction was entered on 9/26/2022 at 2:16 PM CDT and filed on 9/23/2022

Case Name: USA v. Elsholz
Case Number: 3:22-mj-00902-BN
Filer:
Document Number: 7(No document attached)

Docket Text:

ELECTRONIC ORDER As to Ryan Austin Elsholz: by this order -- issued to the prosecution and defense counsel -- the court confirms the disclosure obligation of the prosecutor under *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny, and the possible consequences of violating such order under applicable law.

This written order is entered pursuant to Rule 5(f)(1) of the Federal Rules of Criminal Procedure, and is in addition to the oral order entered by the court on the first scheduled court date when both the prosecutor and defense counsel were present. (Ordered by Magistrate Judge David L. Horan on 9/23/2022) (mcrcd)

3:22-mj-00902-BN-1 Notice has been electronically mailed to:

Federal Public Defender jason_hawkins@fd.org, annette_hill@fd.org, charnese_toro@fd.org,

cristal_a_ramos@fd.org, joel_page@fd.org, maribel_diaz@fd.org, mary_moore@fd.org,
monaleeza_montalvo@fd.org

Douglas Burton Brasher-DOJ douglas.brasher@usdoj.gov, CaseView.ECF@usdoj.gov,
Riley.Smith@usdoj.gov, USATXN.Central.Docketing@usdoj.gov, lauren.wright@usdoj.gov,
nicole.leblanc@usdoj.gov, selase.buatsi@usdoj.gov

**3:22-mj-00902-BN-1 Notice required by federal rule will be delivered by other means (as detailed in
the Clerk's records for orders/judgments) to:**

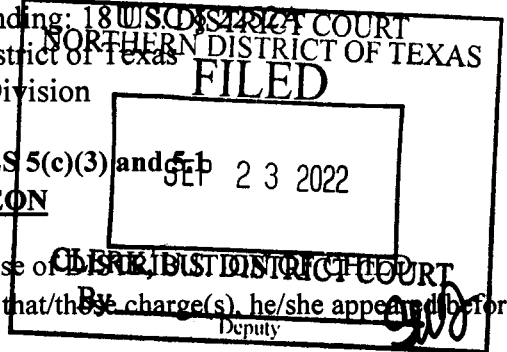
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

RYAN AUSTIN ELSHOLZ (1)

§ Case No. 3:22-mj-00902-BN *SEALED*
§ Other Dist. Docket No. 4:22-cr-00224-ALM
§ Charge Pending: 18 USC § 2424
§ Eastern District of Texas
§ Sherman Division



**REPORT OF PROCEEDINGS UNDER RULES 5(c)(3) and 5.1
AND ORDER ENTERED THEREON**

The defendant is charged in the above-referenced district with the offense of ~~DISSEMINATION OF~~ PORNOGRAPHY. Having been arrested in this district on a warrant issued on that/these charge(s), he/she appeared before me for proceedings as follows:

Rule 5(c)(3) Transfer

- ☐ The government has produced a copy of the warrant, and
- ☒ The Court finds that the person before the Court is the defendant named in the indictment, information or warrant because:
 - ☒ The defendant waived identity hearing.
 - ☐ An identity hearing was conducted, and the defendant's identity was established.
- ☐ The Court finds, based on the evidence presented during an identity hearing, that the person before the Court is **NOT** the defendant named in the indictment, information or warrant.

Rule 5.1: Preliminary Hearing

- ☒ No preliminary hearing is necessary because the defendant is charged by indictment.
- ☐ The defendant waived a preliminary hearing.
- ☐ The defendant elected to have a preliminary hearing in the district where the prosecution is pending.
- ☐ The defendant elected to have a preliminary hearing in this district, and based on the evidence presented during the hearing, the Court finds that:
 - ☐ There is probable cause to believe that the defendant committed the offense(s) charged.
 - ☐ There is NOT probable cause to believe that the defendant committed the offense(s) charged.

Rule 5(d)(3) Detention Hearing

- ☐ No detention hearing is necessary because the government did not move to detain the defendant.
- ☐ The defendant waived a detention hearing.
- ☒ The defendant elected to have a detention hearing in the district where the prosecution is pending.
- ☐ The defendant elected to have a detention hearing in this district, and based on the evidence presented during the hearing, the Court finds that:
 - ☐ The defendant should be detained.
 - ☐ The defendant should be released on bond.

ORDER ENTERED ON THE FOREGOING REPORT

TO: UNITED STATES MARSHAL

- ☒ You are commanded to transfer the above-named defendant forthwith to the district in which he/she is charged and there deliver him/her to the United States Marshal for that district or to some other officer authorized to receive him/her.
- ☐ It is ORDERED that this defendant be released from custody on bond pending further proceedings.
- ☐ It is ORDERED that this defendant be discharged.

DATE 23rd day of September, 2022

(Use Other Side for Return)



United States Magistrate Judge